

P L E A

TO THE

DUKE's Answers.

Fiat justitia, ruat Cælum. Anglice,

The Bill in the Honourable the late House of Commons against the D. was their Duty.

W Hoop, *Weighty Considerations*, &c! what noise is this? the Devil's, it's doubt besides's Adherents, Heirs and Successors disturb'd what's the matter?

Obj. Such a Bill as this in the House of Commons against the D!

Ans. Wellow day; but what then?

Obj. Against God's express Word.

Ans. Is that it? *pity*, but why, how, or where?

Obj. We must trust and rely only on God to save us.

Ans. Oh, oh; but must not we endeavour, use the means, &c. as God has enabled us? the Husbandman sows, the Mariner sets sail; must we tempt God, be stupid, supine, expose our selves, seek giving you an occasion of, &c?

Obj. Indeed *Ast* deposed *Mabucab*, because of Idolatry; *Jebu* dethroned *Joram*, and *Jeroboam* *Reboam*; but these are Examples only to read, not imitate.

Ans. Thus you tell us not your selves. And see 1 *King*. c. 11. the Prophet *Ahijah* told *Jeroboam*, *Jehozab* says it, He will rend this Kingdom, and give thee ten Tribes; and in 1 *King*. 12. God himself owns what *Jeroboam* did as his own Act, in dispossessing King *Reboam*, and making himself King. The Prophets in God's Name anointed *Jebu* King over *Israel*, with special direction to destroy the King and's whole Line, 2 *King*. 9. And when *Jebu* had done so, God approves of it, c. 10. v. 30. And in 2 *Chren*. 15. when v. 16. says *Ast* did so, next v. says, *Ast* was an upright man [and that too] all's life.

Obj. Many Papists in *France* assisted the Protestant King of *Nicarre*, to be theirs.

Ans. More, an hundred to one opposed him, as appears by the History.

Obj. We swearing Faith and true Allegiance to the King, his Heirs and Successors, do therefore to the D. as being Heir, and any thing we attempt against him, is against our Oath. For he's Heir in common sense that's next person likely to inherit. *Cook* says, he's Heir apparent, and it's non-sense to say Heir apparent is not an Heir. And so doth the Scripture too call him Heir, *Gen*. 15. 13. 2 *Sam*. 14. 7. *Mt*. 21. 38. *Mark* 12. 17 *Luk*. 20. 14. *Gal*. 4. 1.

Ans. Fine! here's a whim, here's wit with a witness: but poor Devil, its pity, any one, though as blind as with thy Zeal, but reading the Stat. [3 *Jac*. 4.] may plainly see the words nor sense in any wise warrant thy Case, if yet he were Heir, as thou'dst have him. And besides, he's no Heir. *Gen*. says only -shall be my Heir [which proves he is not] In *Sam*. and *Gell*. the Father's dead when Son's called so.

Obj. Oh but what say *Matt*. *Mark* and *Luke*?

Ans.

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Ans. They all telling the same story, say, the Rabble in the Vineyard called the Son their, his Father yet alive; but now was he Heir, those illiterate fellows only chancing to call him so? Great, wise, and learned *Abraham* said, *Lot* was his Brother as he was Son of his Brother, and's Wife *Sarah* was his Sister, as being's Brother's Daughters; what now, is it commonly taken with us that our Brother's Son is our Brother, &c? In Civil Law, no body's said Heir but when succeeds his friend in's estate: in our Law he's said Heir which succeeds by right of blood; thus, till he succeeds, he's no Heir, and he can't succeed till his friend's death. It's a maxim, *solus Deus heredem facere potest*; that is, only death makes Heirs. But for example, By agreement, I am to pay your Heirs money, or they me: does any body expect any payment during your life? is it Jesuitical to say no? sure the sense is plain. Heir apparent is only and peculiarly a Law-term, little used, barbarous, improper and absurd enough. Heir apparent is at best an Heir but as the Logician's *posse* is *esse*. Now they'll say, suppose thee never so honest a man in *esse*, yet thou art worst of Knaves, &c. in *posse*; while, methinks, it's hard to call thee worst of Knaves, &c. because thou art so in *posse*. Besides, the Law makes distinctions and degrees of Heirs, as *proximi*, the Sons, *remotiores*, Nephews, &c. and finally Brothers. Who ever heard a Brother (which is of so remote a degree) called Heir apparent? Finally, how wild is this? If we were bound as aforesaid to the D. because he may be Heir: so there being thousands may be Heirs, we are bound to them too, though so much as know'm not. Thus, are we bound to serve God and Mammon too? then poor we! *Regius possit servire duobus*? Thus Faith, Allegiance, and Defence of and to a Subject, yea Subjects, God knows how many which was never heard of, and yet without any *salvo* to the King too; which is so much against Law, See *Co. L. 65. mensur. horrend.* &c! the D. may as well pretend to have a present share of all the Taxes granted by Parliament to the King, his Heirs and Successors.

Obj. Yet thus, however contrary to's will, and all justice, he's robbed by a Faction of's inferiours.

Ans. The D.'s a Man, and a Subject as well, and no more than the meanest person in the Kingdom; he's thus debarred only by an Act of King, Lords and Commons [for otherwise he can't be] what Parliament does, he's by all Laws in all places presumed *as he is a Subject*, consenting to, what is he robbed, when by's consent? by's inferiours, when by King, &c?

Obj. As D. may be served thus, the King may be dethroned too, neither is any body safe of any thing.

Ans. It's absolutely necessary and essential in all Government, that a Power be lodg'd somewhere, or somehow [as the *Israelites* gave the Power to *Moses*] over all Parties, their Lives, Estates, and every thing; else Justice must fail, Faults go unpunished, and Deserts be unrewarded, nor could any thing otherwise be improved or maintained for the common Good, or private either, but all must necessarily fall, and run to Confusion, &c. This Power with us is in the Parliament, and sure placed, the best it can be. Thus it's either in our selves, or since we can't be all at Parliament, we choosing others to do there, what we could if we were there our selves, as we do choosing Parliament-Men, it's in our Representatives these Men we thus entrust, together with the King and Lords. Now suppose the Skies may fall, and such Act as the *Objectiō* speaks of should come, yet since before any such Act can be against the King, He must give His own Consent Himself to it; and before against any other, it must be with this other person's consent immediately, or by consent of whom he has chose to represent him, and give's consent. Can we say any Act does us wrong, any of us? No more than that a Man's injured and displeased with his own good-will and liking, absurd, and against the most undeniable Maxim, *Volenti non fit injuria*. Furthermore, How contrary to Religion, Justice, or Law, any wise? It's well enough known, every King at first was created and

and elected under Laws and Conditions, by and with the free general Votes of the people, subjecting themselves to Him, as some Notable Man amongst them for Equity and Justice, to govern them, and defend their Laws, Liberties, Persons and Estates, *Contra. in c. 1. par. 1. q. 4. Ludovic. Velizquez de Avendam. l. 40. Taur. gloss. l. n. 9. Chryl. Hom. 7. ad pop. Antioch. Fortesc. de Laud. Sc. c. 13, 14. 10 Bodinus in several places. And Hom. l. 7. Odys. calls a Kingdom a Reward of Virtue and Merit, of the peoples giving. Thus a King is not for's own, but's Subjects sake only: and we have in truth rather title, O to Him, than He to us: see 1 *Sam.* 9. 16. 1 *Kings* 10. 9. Thus when Kings themselves be ill ones, God not only approves of their removal, but even himself does it, *2 Kings* 24. 2. *Ec.* 2 *Chr.* 10. *Ec.* 11. 1 *Kings* 11. *Ec.* c. 16. 14, 15. c. 21. c. 16. 4. 5. 6. 2 *Kings* 9. 25. *Job* 34. 30. *Sed praestat cautela, quam medela*; Care beforehand's, better than Cure after. God commands choose a King; but not according to that which Man respects, [*viz.* the outward circumstances] but the heart, 1 *Sam.* 16. 7. see the like in several places. Kingdoms are what but politicke things; then, under the Government of the Laws: Hence some be Hereditary, others Elective, according to the Politick Customs thereof, and with as much difference in the methods, &c. of Succession, and the like of Elections, as there is between Succession and Election; which could never be, if Title to Crowns were beyond, or not under the power of the Laws of the people. Elective are the Empire of *Germany*, Kingdom of *Poland*, *Hungary*, *Bohemia*, [when Kingdoms] *Althiepi*, of the *Goths*, of the *Tartars*, of *Arregoza*, *Lacedemonia*, *Tartaria*, *Tapprobana*, *Persia*, and some say *Spain*, *de Jure*; so *France* will have no Queen, &c. and keep us out. Why may not then, all consider'd, our King, Lords and Commons, the whole Nation (*Huic ego nec metas rerum nec tempora pono. Virgil*) make another Successor, and not the D. especially not taking the Crown out of the Line, as *David* did? He, a Man after God's own Heart, in like case, made not his next Heir, but *Solomon*, so far distant, his Successor, 1 *Kings* 1. 30. *Ec.* 1 *Chr.* 28. and likewise did the people make *Hizriah* King, 2 *Kings* 14. 21. were to have made *Roboam* King, 1 *Kings* 12. 1. and did make *Jeroboam*, v. 20. and all this without God's contradiction, yea, with his approbation; besides so many other like Examples everywhere, though here, King and people did it either of them, and we do it altogether.*

It may be Objected, There being a general Law or Custom for Kingdoms going by Succession, people can't choose a King *Contra. Archid. Gregor. Lup.* and others; But what, say they, is the Reason? only 'cause the continuance of such custom, &c. implies the peoples consent to it.

Truly the Reasons of our Adversaries, methinks, implicitly acknowledge the power of altering the Succession; (*Huic ego nec tempora pono*) the like has oft been practised in *England*; see the Statutes, 25 *H. 8.* 22. 26 *H. 8.* 2. 28 *H. 8.* 7. 16. 35 *H. 8.* 1. 1 *Ed.* 6. 12. 1 *M.* 1. 1 *El.* 3. 13 *El.* 1. nothing more plain! What impudence would cast dirt in the face of so many of our Reverend Ancestors, and say they did they knew not what, or they could not do what they said they could, after the Succession? The very words of the Statute of 13 *El.* cap. 1. are:

It shall be High Treason, to affirm the Laws and Statutes do not bind the Right of the Crown, and the Descent, Limitation, Inheritance, or Government thereof,

Note, this part of the Act is in force yet, against our *Pamphleteer*, which says it is not, and the rest is onely expired as relating but to the Queen. Nay, is it not a Maxim amongst Papists, Not only that the Pope may at his pleasure depose Kings, and dispose of Crowns; but further, That the People may ever choose a King, when He should else be an Heretick, &c? so *Frater Alfonsus de Castro*, so *Didac. Septiman.*

Septiman, in Cathol. Inst. T. 46. n. 75. Then if the D. be a Papist, as none deny him, now; he's a Heretick as to or from us, and what shall we do, not do by the Papists, as they would by us? *Nec Lex est justior ulli quam necis artifices arte perire sua.* Withall consider his Principles, All be Hereticks resist the Authority of the Church of *Rome* [which is as large as the Infallible Pope pleases] or that differ with it in any point of Faith; *Fides Hereticis non adhibenda*, He's to keep neither Word or Oath with us; nor is it any matter hence, what he says or swears to us; it's not only lawful and conscientious to kill us, &c. but a duty. Like this, the late Papist *French King*, raising and encouraging that dreadful Massacre of Protestants at *Paris*, &c. and thousands of such like Examples. Then consider's humor so fierce, revengeful, and resolute; but I'll say no more: Who knows not how improper it is, to make a Wolf, a Shepherd? Who's so thoughtless, as not see under a Papist King, how our Religion is hazarded all the World over? first lost here, consequently with ease elsewhere. How all our Lives, Estates, and Souls be hazarded, sure nothing can be more; some for fear, some by force, and others to flatter, will or must comply with him, or do worse, if possible. *An ill King, saith Solomon, over the poor People, is like a roaring Lyon, and a Bear seeking's prey, Prov. 28. 15.* In fine, Is it not better one *James* live, but like the greatest Prince of the world, in stead of actually being King, than Three whole Kingdoms, together with several other Nations, should utterly perish? Nay, Is it not better to pull down one House to save, than let a City perish? Nay, Had you not rather cut off any of your own Members, than hazard your whole Body? *Res ipsa loquitur*; The thing speaks it self.

See other Papers wrote before to this effect; what in any is for the D. is answer'd all here; all the rest, is here omitted as needless to repeat.

F I N I S.